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## REVIEWS AND CRITICISMS

in the meantime, many of the old badges of barbarism still continue in many of the prisons of this, as of other states. The cropped head, the rule of silence, the poor food, unwholesome cells, brutality of under officials, and other features which impressed Thomas Mott Osborne, as so unnecessary in his experience, are set forth with force in this report. The general idleness in the county penitentiaries, the indefensible conditions in the average county jail, and the disgraceful buildings still in use at Sing Sing and on Blackwell's Island are attacked and scored with courage and convincing argument.

The most promising feature of the New York correctional system, as known, is perhaps in its centralized control and in the organization of its industries. It would seem from this report that the full possibilities of these features have yet to be realized by greater efficiency of administration. That the evil conditions should continue side by side with the good, is perhaps to be expected, so long as there is public indifference to the welfare of the downmost man, and the significance of his future possibilities for weal or woe. The public cannot well continue indifferent, however, in face of the facts that are systematically marshalled in the report of the Prison Association of New York. As a matter of fact, the progress already made is no doubt largely due to the influence of this and other similar organizations. Because of the publicity given by their reports and their speakers to the fallacy of the old methods and the value of more humane and rational treatment, these agencies have become the focus of the forces of welfare work for the unfortunate offender. Because of their efforts, the attitude of the public toward the prisoner is changing with the process of the suns, and with the progress of the sons of men, and with the introduction of the spirit of the Golden Rule. To this end, the publication herewith reviewed, will be a valuable contribution and should be read by all concerned in the great problem of correction.

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F. EMORY LYON.

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DIE BEDEUTUNG DER HANDSCHRIFT IM CIVIL-UND STRAFRECHT. BEI-  
TRÄGE ZUR REFORM DER GERICHTLICHEN SCHRIFTEXPERTISE. Von  
*Dr. iur. Hans Schneickert*, Kriminalkommissar am Kgl. Polizei-  
Präsidium in Berlin, Verlag von F. C. W. Vogel, Leipzig, 1906.  
Pp. 144, V. 4.

Schneickert presents an interesting justification of the existence of the handwriting expert. The cataloguing of the different forms in which handwriting falsification and disguise occur and of the various civil suits that depend upon identification of handwriting points the need of handwriting testimony and raises the question as to the proper method of safeguarding such testimony.

He seeks to have the handwriting expert placed on a level with other experts whose services are accepted without question. In every field of inquiry, as he shows, the expert has won his place only gradually and with effort. Always, in every line of work, there has occurred a gradual standardization of methods of investigation and a

shift from reports of subjective impressions to objective proofs. A similar advance appears in handwriting expertness. The citing of errors on the part of writing experts cannot be quoted as evidence of the impossibility of establishing a science of handwriting identification any more than errors on the part of chemical or medical experts could be cited as undermining all faith in the sciences they represent. Nor is it fair to lay on the trained expert responsibility for the mistakes of untrained and unrecognized pseudo-experts.

None the less, the author recognizes the wide-spread prejudice against the handwriting expert and grants the need of reform in methods of procedure. The question who should be recognized as an expert raises that of his proper training and experience. The custom of regarding as an expert any man whose professional or official life brings him much in contact with writing is regretted. Such opportunity to observe handwriting does not confer the power of analysis so necessary to the expert nor determine the graphic signs of most significance. In this connection Dr. Schneickert considers the connection between handwriting expertness and graphology, the latter being defined as the art of reading character from handwriting. He shows that while the writing expert may indeed make use of the analysis of skilled graphologists, his purpose is a very different one.

In discussing the need of reform in handwriting testimony and the best way of insuring it, the author quotes copiously from men who have given the subject careful consideration, such men as Busse, Meyer, Langenbruch, Gross, and Näcke. Various suggestions are given as to the lines along which the reform should take place, with discussion of the graphic signs least subject to control, of the best methods of instituting comparison between the disputed and proved documents, of the use to be made of photography. Since the publication of Schneickert's treatise, so much has been done in the matter of utilization of modern scientific instruments in identification of writing and standardization of methods of procedure (see Osborn's "Questioned Documents") that Schneickert's suggestions have only general value.

An interesting section of the treatise under consideration is that which deals with the collection of handwriting specimens to be kept for identification purposes, a collection to begin with specimens of the handwriting of all school children at various ages. A system of docketing of the specimens of the writings of criminals is suggested, a system which has since been elaborated by the author.<sup>1</sup>

In the second part of his book, Schneickert translated Bertillon's exposition of handwriting identification, with its system of minute comparison and calculation of the mathematical probability of the agreement of details. Bertillon, commenting upon the use of photography in writing investigations, states that it marks the first step forward in such work since the days of Louis XIV, and moves such investigations from the subjective to the objective field. A summary is given of helps in writing investigation, such as tests of paper to show erasures

<sup>1</sup>Die neue Handschriftensammlung der Berliner Kriminalpolizei." *Arch. f. Krim.-Anthropol. u. Kriminalistik*, 1910, 39, 144-178.

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and fractures of surface, means of estimating the time of additions to documents, the testing of inks, the utilization of finger prints—tests which within recent years have been reduced to a science.

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THE PRINCIPLES OF JUDICIAL PROOF, AS GIVEN BY LOGIC, PSYCHOLOGY AND GENERAL EXPERIENCE, AND ILLUSTRATED IN JUDICIAL TRIALS. Compiled by *John Henry Wigmore*. Little, Brown and Company, Boston, 1913. Pp. XVI, + 1179.

Professor Wigmore terms this volume a compilation, I presume, because the major portion of it is devoted to extracts from various authors and reprintings of well-known trials. However, the fact that some nine-tenths of the work is thus derived from other sources must in no way detract from its significance nor minimize the importance of the 115-odd pages in which he has contributed directly of his own constructive thinking. The extracts from 74 different authors and the 161 illustrative cases drawn from court procedure gain their significance primarily when organized as exemplifications of the author's development of his own theme.

This theme is the analysis of the principles of proof, the outlining of a probative science, independent of the artificial rules of procedure. These artificial rules of procedure (admissibility) have, in the author's opinion, tended to monopolize attention to the exclusion of what is, after all, the main activity—the persuasion of the tribunal's mind to a correct conclusion by safe materials. He seeks in this volume, therefore, to present, in tentative form, a novum organum for this neglected phase, "natural" proof, as it might be termed, the probative value of evidence as determined by logic, psychology and general experience and regardless of the rules of admissibility.

The book is intended to be used in law-school work, and in particular to encourage and to train the student of law himself to attack scientifically the analysis and marshaling into systematic and logical perspective of complex masses of evidential data. This task of disentangling proof is fully developed only in Part III; Parts I and II afford a preliminary drill in analysis. To indicate the scope of treatment it will be sufficient here to set forth the table of contents for these two parts.

### Part I. Circumstantial Evidence.

I. Evidence to prove an event, condition, quality, cause or effect of external inanimate nature.

II. Evidence to prove identity.

III. Evidence to prove a human trait, quality or condition.

a. Moral character.

b. Motive.

c. Knowledge or belief.

d. Plan (design, intention).

e. Intent.

IV. Evidence to prove the doing of a human act.